



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

January 29, 2014

BLM-Greater Sage-grouse EIS
Brent Ralston, Project Lead
1387 South Vinnell Way
Boise, Idaho 83709

Re: U.S. Environmental Protection Agency comments on the Bureau of Land Management and U.S. Forest Service's Draft Land Use Plan amendments and Draft Environmental Impact Statement for managing greater sage-grouse in the Idaho and Southwestern Montana sub-region. EPA Region 10 Project Number: 13-0039-BLM.

Dear Mr. Ralston:

The EPA has reviewed the BLM and Forest Service's Draft Land Use Plan Amendments and Draft Environmental Impact Statement for managing greater-sage grouse in the Idaho and Southwestern Montana sub-region. Our review was conducted in accordance with the EPA responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the Draft LUPA/EIS prepared for the proposed action considers the expected environmental impacts and the adequacy of the EIS in meeting procedural and public disclosure requirements of the NEPA.

Project Summary

In March 2010, U.S. Fish and Wildlife Service published its listing decision for the greater sage-grouse (*Centrocercus urophasianus*) as "warranted but precluded".¹ The BLM manages over 50 percent of GRSG habitat across 11 western states. Inadequacy of regulatory mechanisms in Land Use Plans was identified as a major threat in the USFWS finding on the petition to list the GRSG under the Endangered Species Act. In response to the USFWS finding and pending listing decision, the BLM and the Forest Service have prepared this Draft LUPA/EIS to analyze the addition of GRSG conservation measures to their existing resource management plans/land and land and resource management plans.

This Draft LUPA/EIS is one of 15 separate planning efforts being undertaken as part of the BLM and Forest Service National Greater Sage-Grouse Planning Strategy. The planning area for this effort is approximately 49.1 million acres, of which 9.3 and 1.9 million acres of greater sage-grouse habitat is on BLM and Forest Service land respectively. Surface management decisions made as a result of this Draft LUPA/EIS will apply only to BLM and USFS lands. When approved, the Land Use Plan will amend up to 21 BLM Resource Management Plans and 8 Forest Service Forest Plans. Alternative A would retain current management goals, objectives and direction. Alternative B includes conservation measures from the Sage-Grouse National Technical Team Report.² Alternative C includes conservation measures submitted to the BLM by conservation groups. Alternative D includes the Idaho and Southwestern

¹ 75 *Federal Register* 13910, March 23, 2010

² <http://sagemap.wr.usgs.gov/docs/rs/GrSG%20Tech%20Team%20Report.pdf>

Montana sub-regional alternative formulated by the BLM and USFS. Alternative E was taken from alternatives developed by the Idaho and Utah Governor's Offices. Alternative F includes measures submitted to the BLM by various environmental groups. Alternatives D and E have been identified as co-Preferred Alternatives.

Responsiveness to the EPA Scoping Comments

In our March 23, 2012 scoping comments on the BLM's Notice of Intent to prepare EISs and Supplemental EISs to incorporate GRSg conservation measures into land use and land management plans, we stated our strong support for the BLM and Forest Service's efforts to incorporate consistent objectives and conservation measures for the protection of GRSg and its habitat. We also provided several comments informing the BLM and Forest Service of items we believe warrant consideration in all National Greater Sage-Grouse Planning Strategy NEPA analyses.

We appreciate that the Draft LUPA/EIS includes information on the following items mentioned in our scoping comments:

- overall direction of development away from areas of high conflict and sensitive resources in order to maintain valuable ecological functions across the landscape;
- up-to-date and detailed maps;
- the process by which habitat designations could change over time;
- initial adaptive management, monitoring and mitigation plans with timelines, criteria, and thresholds;
- descriptions of how conservation measures would account for climate change considerations;
- information on Native American tribal consultation.

Primary Environmental Concern

Our primary environmental concern with this Draft LUPA/EIS is the relatively smaller amount of important GRSg habitat provided with the most protective management designation Core Habitat Zone by Alternative E. Alternative E would designate 1,922,400 fewer acres in its most protective designation than would Alternative D.³ We are concerned that while Alternative E's CHZ would protect the most important breeding grounds and other important areas, it may not sufficiently protect an adequate amount of brood-rearing areas, winter concentration areas, connectivity for genetic and habitat linkages, habitat restoration and population expansion opportunities, and flexibility for managing habitat changes that may result from climate change.

We are also concerned that Alternative E's adaptive management may not be sufficiently precautionary. We recommend that the Final LUPA/EIS consider changing the strategy of Alternative E's adaptive management for the Important Habitat Zone to more fully protect a greater amount of priority habitat. Rather than preventing further loss of habitat and populations by increasing protection when monitoring results show dramatic habitat and population declines, we recommend the more precautionary approach of initially managing the IHZ consistent with CHZ protections and only decreasing protections if habitat and population metrics show clear improving trends or signs of robust stability.

³ Draft LUPA/EIS Table ES-4 GRSg Management Areas by Alternative

Environmentally Preferable Alternative

We recommend that the lead agencies develop an Environmentally Preferable Alternative and describe it in the Final LUPA/EIS so that citizens, stakeholders, interest groups and agencies can consider and comment on an alternative that is deemed most effective at alleviating threats to GRSG and their habitat.

We offer the following comments and recommendations to provide our perspective on a potential Environmentally Preferable Alternative:

- Alternative D would place a relatively larger area of priority GRSG habitat under the most protective designation compared to Alternative E. This larger area is preferable because it would provide stronger protection for a larger amount of more types of GRSG habitat (especially brood-rearing, winter, and connectivity habitats). Protecting a larger area with the strongest requirements would also create more habitat and population expansion opportunities, and provide greater flexibility for managing habitat changes that may result from climate change. We note that two of the four primary threats to GRSG in the Idaho SW Montana sub-region,⁴ wildfire and invasives, are likely to be exacerbated by climate change.⁵
- Alternative D's "no net unmitigated loss" standard for Priority Management Areas appears to be more protective than the other action alternatives' disturbance caps. We appreciate, however, that the Sage-Grouse National Technical Team Report included a three percent disturbance cap. To help determine which of these approaches is environmentally preferable for this sub-region, we recommend that the Final LUPA/EIS include additional information comparing the long term effects of each approach. Consider describing, for example, each approach's relative certainty of (i) full implementation, and, (ii) effectiveness in conserving GRSG habitat and populations.
- With respect to alleviating the threat of fire, we prefer Alternative D's detailed and specific adaptive management approach. Alternative E, on the other hand, according to the Draft LUPA/EIS, "...has improved fire suppression and monitoring actions compared to Alternative A, but overall has fewer management actions to protect GRSG from fire than other action alternatives."⁶
- The environmentally preferable alternative should include active removal of juniper from GRSG habitat. We agree with the Draft LUPA/EIS's conclusions that active removal can enhance sagebrush ecosystems.
- Alternative D appears to be relatively more consistent with national guidelines in addressing threats from livestock grazing. We believe that consistency with national habitat guidelines will increase the likelihood of effective implementation at a broad scale, and, in turn, increase the extent to which the threat of livestock grazing will be alleviated.
- Alternative D's approach to infrastructure is preferable because the "no new authorizations" requirement for priority habitat applies to a larger area. Also, Alternative D's avoidance designation for other occupied habitat is more protective than Alternative E's "generally permitted subject to certain criteria" designation.

⁴ See Draft LUPA/EIS p. ES-4, "Within the Idaho and southwestern Montana sub-region the primary threats to GRSG include habitat loss and fragmentation due to increased occurrence of wildfire, expansion of invasive species, human development and infrastructure.

⁵ See Draft LUPA/EIS p. 4-295 - *Major Threat: Fire* "An additional factor in the analysis of cumulative effects of fire on GRSG is the trend of increasing fire size and frequency and severity, due to factors including exotic annual grasses, and climate change."

⁶

- With regard to alleviating the threat of cross-country motorized travel, we prefer Alternative D because it would reduce cross-country access in areas previously managed as open. We believe that limiting cross-country travel only in GRSG habitat, as in Alternative B, would create compliance challenges. If compliance with travel rules is low, the effectiveness of the conservation measure would be compromised.

Consistency with the USFWS's Evaluation Criteria for Conservation Plans⁷

To support the USFWS's eventual evaluation of this conservation plan, we recommend that the Final LUPA/EIS include additional information on the action alternatives' consistency with the USFWS's Evaluation Criteria for Conservation Plans. The evaluation criteria are (i) the certainty that the conservation effort will be implemented, and, (ii) the certainty that the conservation effort will be effective. Consider including the following information:

- the relative certainty of adequate resources for full implementation (i.e., funding, conservation partners etc.) under the alternatives;
- the relative consistency of the alternatives with existing management practices and regulations;
- indications of where procedural requirements, like further Land Use Plan amendments or acts of congress, would be required to implement a conservation measure;
- the relative reliance on voluntary participation to meet conservation objectives;
- a comparison of implementation schedules;
- indications that all necessary parties will approve required agreements – such as for collaborative monitoring efforts;
- more detailed comparisons of how the alternatives' conservation measures would reduce identified threats;
- incremental conservation objectives and dates for achieving them;
- quantifiable and scientifically defensible parameters that will demonstrate achievement of objectives;
- provisions for implementation and effectiveness monitoring.

Areas of Critical Environmental Concern

We are concerned that Alternative D does not include the establishment of any new or additional Areas of Critical Environmental Concern because we believe that establishing ACECs would be an effective method of protecting relevant and important values. We recommend that the Final LUPA/EIS include additional information describing why the BLM decided not to include ACECs in the co-preferred alternatives.

Comparing Population Effects

According to the Draft LUPA/EIS, for Alternative E, "The CHZ represents strongholds for GRSG populations in Idaho and is expected to support the highest breeding densities with approximately 65 percent of the known leks and 73 percent of the males in the state..."⁸ We recommend that the Final LUPA/EIS include an estimate of the percentage of leks and males that the other action alternatives would support.

⁷ See p. 15115 of the USFWS and National Oceanic and Atmospheric Administration's "Policy for Evaluation of Conservation Efforts When Making Listing Decisions" in Federal Register Vol. 68, No. 60 Friday, March 28, 2003 Rules and Regulations

⁸ Draft EIS/LUPA, p. 2-77

Rating

We are rating the Draft LUPA/EIS Environmental Concerns – Insufficient Information (EC-2). A copy of our rating system is attached. Our primary environmental concern relates to the relatively smaller amount of priority habitat that would be protected by Alternative E's Core Habitat Zone. Our "Category 2 – Insufficient Information" rating relates generally to the Draft LUPA/EIS not having sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, and our identification of 'reasonably available alternatives' which could reduce the environmental impacts of the action.

To address our concerns, we are recommending that the Final LUPA/EIS identify an Environmentally Preferable Alternative, provide additional information to support evaluation of the conservation plan according to the USFWS's Evaluation Criteria for Conservation Plans, and, provide additional information to readily compare the action alternatives' population effects.

Document Comments

Table 4-30 "Alternative D: Percent of GRSG Habitat and Occupied Leks Affected by ROW Exclusion of Avoidance by Population Area", and all tables like it, should include total numbers for all population areas.

Fill out the "X" in the following quote from draft EIS/LUPA Table 2-13, "Complete the strategy by 1 year of signing of the ROD. Complete planting of CHZs within X years of the ROD. Complete planting of IHZs within X years of the ROD."

Correct or provide a link to BLM Washington Office IM 2013-128 for the following quote from draft EIS/LUPA Table 2-13, "E-WFM-1: Idaho – CHZ: Reduce the number and size of wildfires in GRSG habitat through incorporation of the BLM Washington Office IM 2013-128."

Several references within the document are incorrect. On page 4-212 for example, it is stated, "Refer to Section 4.34, Special Status Species." There is no "Section 4.34. This is one of several examples; please correct these references throughout the final EIS/LUPA.

If you have questions regarding our comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov , or Erik Peterson at (206) 553-6382 or peterson.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

EPA Rating System for Draft Environmental Impact Statements

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.